

NTSB Order No. EA-3992

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 27th day of September, 1993

Respondent .

Docket SE-13100

By Order served August 25, 1993, the law judge granted a motion by the Administrator requesting that this proceeding be dismissed for respondent's failure to file a timely notice of appeal with this agency from an order of the Administrator revoking his student pilot certificate.<sup>1</sup> In a one-page document we have treated as a combined notice of appeal to the full Board from the law judge's decision and an appeal brief, respondent urges us, in effect, to reverse the law judge's dismissal so that

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he can "appear in court to explain the situation fully."<sup>2</sup> As we find no basis in respondent's pleading for overturning the law judge's order, we will deny the appeal.<sup>3</sup>

Respondent, who is apparently a citizen of the United Kingdom, suggests, without clearly arguing, that the lack of a permanent residence within this country somehow excuses his failure to have responded in a timely way to the Administrator's order of revocation.<sup>4</sup> However, it appears that even if the respondent may from time to time have been temporarily staying at various other locations, he received the copy of the order of revocation that was sent to him on March 17, 1993, at his admitted mailing address in Napa, California.<sup>5</sup> Thus, if respondent desired to have his appeal accepted out of time, it was incumbent on him to provide some exonerating explanation for his failure to file an appeal within 20 days after service of the order there.<sup>6</sup> Respondent did not do so before the law judge, in answer to the motion to dismiss, and he has not done so here, in connection with his appeal from the dismissal. Consequently, we cannot find that respondent has identified any ground for disturbing the law judge's grant of the motion to dismiss.

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<sup>2</sup>The situation respondent wants to explain appears to relate not to his late appeal, but, rather, to his position on the merits of the Administrator's charges against him. In this connection, correspondence received from respondent after his notice of appeal, while containing various statements he appears to believe should exonerate him of the violation allegations, sets forth no arguments addressed to the validity of the law judge's order.

<sup>3</sup>The Administrator has filed a response opposing the respondent's appeal from the dismissal order.

<sup>4</sup>Respondent asserts, essentially, that as a nonresident he has had to "travel and stay with family, friends or when accommodations [sic] [were] available."

<sup>5</sup>The Administrator had already tried, unsuccessfully, to serve the respondent by both regular and certified mail at another address he had provided. Moreover, a certified copy of the order sent to the Napa address was returned as unclaimed, after which the copy he received was sent to him there by regular mail.

<sup>6</sup>Respondent's notice of appeal was filed April 29, 1993.

**ACCORDINGLY, IT IS ORDERED THAT:**

1. The respondent's appeal is denied, and
2. The order of the law judge is affirmed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART and HAMMERSCHMIDT, Members of the Board, concurred in the above order.